

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73527 of 2024

Arising Out of PS. Case No.-226 Year-2024 Thana- MAHNAR District- Vaishali

Vivek Vaibhav, Male, aged about 30 years, Son of Vijay Sharma @ Vijay Kumar Sharma Resident of village - Daudpur, P.S.- Shahpur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Sharma, Advocate

For the Opposite Party/s : Mr.Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 13-12-2024 Heard Mr. Rajesh Kumar Sharma, learned counsel appearing on behalf of the petitioner and Mr. Awadhesh Kumar Singh, learned APP for the State.

2. Petitioner seeks regular bail in connection with Mahnar P.S. Case No. 226 of 2024 registered for offences punishable under Sections 111(2)(b), 117(4), 303(2) and 3(5) of Bhartiya Nyaya Sanhita 2023 read with Section 7 of the E.C. Act.

3. As per the allegation made in the FIR, all the accused persons named therein including the petitioner, with a common intention, had kidnapped the driver of a tank lorry, on which petroleum product was loaded, and demanded rupees two lacs as ransom and had also looted the tank lorry.

4. Learned counsel appearing on behalf of the



petitioner submits that petitioner is innocent and has falsely been implicated in the present case merely on the basis of suspicion. Learned counsel further submitted that petitioner is a daily wages worker and on the relevant day, he went there for labour works for unloading the goods from the vehicles and he had no knowledge that theft stolen articles were loaded on the said vehicle. Learned counsel further submitted that such a huge quantity of petroleum product cannot be expected to be loaded on an Alto Car when already four accused persons were sitting in the said Alto car. Similarly placed co-accused Aman Raj Sah, has already been granted bail by this Court vide order dated 01.10.2024 passed in Cr. Misc. No.65771 of 2024. Petitioner has clean antecedent and he is in custody since 10.07.2024. On these grounds, petitioner seeks to be released on bail.

5. Learned A.P.P., for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the nature of allegation alleged against the petitioner, the petitioner had allegedly participated in the offence, however, from perusal of the FIR, as well as, from the material which has surfaced in course of investigation as recorded by the learned District Court, it appears that before the



accused persons were preparing to sell the petroleum product in the market, the petitioner was arrested. I find that the petitioner, on mere suspicion, has been made accused in the present case. I am of the opinion that petitioner has prima facie made out a case to be released on bail.

7. Learned District Court is directed to release the petitioner, above named, on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Vaishali at Hajipur, in connection with Mahnar P.S. Case No. 226 of 2024 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.



(v) The learned District Court is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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